

REMARKS

The Examiner indicated that "The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 2 has been renumbered as claim 31 since original claim 2 was cancelled on 7/15/02. Additionally, claim 10 should be reworded so that it depends from claim 31 instead of claim 2."

Applicant has amended the claims so that misnumbered claim 2 was renumbered as claim 31 and claim 10 was made dependent on claim 31.

The Examiner then rejected claims 4-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated, "Re: claim 4. The phrase "said operating means includes at least one valve means for connecting... to said operating means" in lines 2-4 is indefinite since the valve means is a part of the operating means resulting in the claim language reading as if the at least one valve means provides a means for connecting the source of fluid pressure to

itself. Examiner also notes that it is unclear as to which element Applicant intends to refer to as the at least one valve means since in figures 1 and 4 the operating means 30 is broadly shown as an arrow pointing in the area of the slip clutch 130. Clarification is required. The remaining claims are indefinite due to their dependency from claim 4."

Claim 4 was deleted and the limitation of claim 4 was incorporated into claim 1 and as indicated by the Examiner such claim would be allowed. The at least one valve means is clearly evident in Figure 6 wherein more than one valve is disposed between the source of fluid pressure and the operating means. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 4-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by US Patent 2940554 to Cameron. To support the rejection the Examiner stated, "Re: claim 1. Cameron shows in figures 1-3 a hand brake assembly (which includes a hand brake 93) shown generally in figure 2 engageable with a railway vehicle, the hand brake assembly comprising: (a) an operating means 14, 23, 26, 31, 50, 52 having at least a portion thereof or element 50 engageable with at least one gear 64 as disclosed in col. 6 lines

72-75 of a gear assembly 64,65 disposed in a housing member 6 of the hand brake assembly for operating the gear assembly in an application direction (or the brake application wear adjusting direction that causes. element 50 to be unscrewed from element 52 moving the brake shoe 1 in the direction of wheel 2 as disclosed in col. 7 lines 15-29), (b) a source of fluid pressure or the air brake system disclosed in col. 2 lines 65-66 connected to the operating means for; periodically supplying a predetermined pressure to the operating means at least sufficient to cause movement in such application direction of the at least one gear of the gear assembly, and (c) a means or brake control valve disclosed in col. 2 line 65 connected to the source of fluid pressure for initiating the supply of the predetermined pressure to the operating means thereby causing an automatic movement of the gear assembly in such application direction by the hand brake assembly particularly under conditions in which the brake shoe 1 wears."

The above rejection is rendered moot since as stated previously Applicant has amended claim 1 to include the limitation defined in claim 4 and as indicated by the Examiner such claim would be allowed; therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by US Patent 2940554 to Cameron.

The Examiner also rejected claims 10,11, and 31 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US

Patent 4525011 to Wilson. The Examiner stated, "Re: claim 10. Cameron, as modified, suggests in col. 2 line 65 of Cameron that the source of fluid pressure or the air brake system is pneumatic. Re: claims 11 and 31. Cameron describes the invention substantially as set forth above including an operating means and a source of fluid pressure, but does not include the limitation of a timing means connected intermediate the operating means and the source of fluid pressure.

Wilson teaches in figure 1 the use of a brake control assembly including a timing means A, B connected intermediate an operating means or the brake cylinders connected to the brake line pressure controlled by brake application valve BAV as discussed in col. 3 lines 45-46 and a source of fluid pressure or main reservoir connected to line 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the brake assembly of Cameron to have included a timing means connected intermediate the operating means and the source of fluid pressure, as taught by Wilson, in order to provide a means of controlling the charging of pressure of a circuit between the pressure source and the operating means of the brake assembly."

The above rejection is rendered moot since as stated previously Applicant has amended claim 1 to include the limitation defined in claim 4 and as indicated by the Examiner such claim

would be allowed and since claims 10, 11 and 31 are dependent upon claim 1 they should also be allowed; therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 10,11, and 31 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 4525011 to Wilson.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 4978178 to Engle. The Examiner stated, "Cameron describes the invention substantially as set forth above, but does not include the limitation of an overload protection means.

Engle shows in figure 1 the use of a hand brake assembly including an overload protection means 15 connected to one of a source of fluid pressure 14 and an operating means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hand brake assembly of Cameron to have included an overload protection means, as taught by Engle, in order to provide a means of protecting the operating means from receiving an excessive amount of pressure."

The above rejection is rendered moot since as stated previously Applicant has amended claim 1 to include the limitation defined in claim 4 and as indicated by the Examiner such claim would be allowed and since claim 3 is dependent upon claim 1 it should also be allowed; therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 3 under 35 U.S.C.

103(a) as being unpatentable over Cameron in view of US Patent 4978178 to Engle.

The Examiner rejected claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 5813731 to Newman, II et al. The Examiner stated, "Cameron describes the invention substantially as set forth above including the limitation of a means for initiating the supply of the predetermined pressure to the operating means, but does not specifically disclose that the means for initiating the supply of the pressure is one of a push button and a signal.

Newman, II et al. teach in figure 4 the use of a means for initiating the supply of pressure to an operating means being a valve with a push button 250.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the means for initiating the supply of pressure to the operating means of Cameron to have included a push button, as taught by Newman, II et al. in order to provide a manual means of pressure initiation."

The above rejection is rendered moot since as stated previously Applicant has amended claim 1 to include the limitation defined in claim 4 and as indicated by the Examiner such claim would be allowed and since claims 12 and 13 are dependent upon claim 1 they should also be allowed; therefore, Applicant respectfully requests that the Examiner withdraw the rejection of

claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 5813731 to Newman, II et al.

The Examiner also rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 3782785 to Budzich.

The Examiner stated, "Cameron describes the invention substantially as set forth above, but does not include the limitation of the brake assembly including a slip clutch connected to the operating means to provide an overload protection means for the operating means. Budzich teaches in lines 12-14 of the abstract the use of a brake assembly including a slip clutch to provide an overload protection means for an operating means of the assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the brake assembly of Cameron to have included a slip clutch, as taught by Budzich, in order to provide a means of preventing the occurrence of excessive brake application forces under extreme wheel deceleration."

The above rejection is rendered moot since as stated previously Applicant has amended claim 1 to include the limitation defined in claim 4 and as indicated by the Examiner such claim would be allowed and since claim 17 is dependent upon claim 1 it should also be allowed; therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 17 under 35

U.S.C. 103(a) as being unpatentable over Cameron in view of US Patent 3782785 to Budzich.

In this office action the Examiner indicated that claims 4-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In view of the amendment to the claims, it is believed that the invention as described in claims 1, 3-13, 17 and 31 are patentable and that this application is now in condition for allowance and such allowance by the Examiner is respectfully requested.

In the event the Examiner has further difficulties with the examination and/or allowance of the application, the Examiner is invited to contact the undersigned agent for applicant by telephone at (412) 380-0725, if necessary, to resolve any remaining questions or issues by interview and/or Examiner's Amendment as to any matter.

Respectfully submitted,

By 

Amos Bartoli
Registration No. 42,299
Agent for Applicant

JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville, PA 15146
Telephone: (412) 380-0725
Facsimile: (412) 380-0748